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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,274	07/18/2003	Brian Gonsalves	1033-SS00378	2414
34456	7590	05/10/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			CHAI, LONGBIT	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/623,274

Applicant(s)

GONSALVES ET AL.

Examiner

Longbit Chai

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1 – 22 have been presented for examination. New claims 23 – 30 have been added in an amendment filed 3/21/2005.

### ***Response to Arguments***

1. Applicant's arguments filed on 3/21/2005 with respect to the subject matter of the instant claims have been fully considered but are not persuasive.

2. As per claim 1 and 10, Applicant argues: "Cohen fails to teach or suggest blocking logic to selectively initiate a blocking signal to disable communications received from the second interface from being sent over the first interface to the end-user computer". Examiner notes Applicant's arguments have been fully considered but are not persuasive. With respect to a PPP (point-to-point protocol) Ethernet connection as taught by Cohen, a specific CP modem is mapped to a particular MAC address of user end-station (Cohen: Column 11 Line 50 – 52) during a given section of PPP Ethernet (LAN) connection. This particular CP-modem is within one of the twenty-four (in maximum) CP-modems in a free CP-modem pool that is further mapped to a CO (Central Office)-modem on the WAN interface side (Cohen: Figure 2B Element 220). For a particular section of an end-to-end connection between the WAN and LAN interfaces is thus established through a particular CO-modem and a specific CP-modem – this is also well known in the field. Therefore, Examiner interprets "disable communications received from the second interface from being sent over the first

interface to the end-user computer” as a result of terminating a section associated with a particular pair of CO-modem and CP-modem connection due to the release of that specific CP-modem to the CP-modems free-pool as taught by Cohen (Cohen: Column 11 Line 1 – 3). Examiner further interprets “issuing a local standby command” as taught by Cohen (Cohen: Column 11 Line 1) as an obvious variation of “initiating a blocking signal” to disable communications received from the second interface from being sent over the first interface to the end-user computer, as addressed above, to meet the claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. As per claim 19, Applicant argues: “Cohen fails to teach or suggest during a first period of time, blocking data received from the second port of the digital subscriber line routing equipment from being communicated by the first port of the digital subscriber line routing equipment”. Examiner notes the second port of the digital subscriber line routing equipment is associated with CO-modem and the first port of the digital subscriber line routing equipment is associated with CP-modem, respectively. Thereby, see the same rationale as addressed above in rejecting the claim 1 and 10.

4. As per claim 6, Applicant argues: “Cohen fails to teach or suggest the detection logic and the blocking logic is embedded within an auto-sensing Ethernet port”. Examiner notes “an auto-sensing Ethernet port” is interpreted as an Ethernet port integrated with a CP modem as a complete functional entity to automatically facilitate the inactivity detection of the end-user computer (Cohen: Column 10 Line 65 – 67).

Art Unit: 2131

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, '988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 6, 8 – 14, and 16 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (Patent Number: US 6477595 B1), hereinafter referred to as Cohen.

As per claim 1, 10 and 19, Cohen teaches a system comprising: a first interface to a local area network connection to an end-user computer; a second interface to a wide area network connection to a distributed computer network (Cohen: see for example, Column 4 Line 58 – 64 and Figure 1 Element 119);

Cohen does not disclose expressly the blocking logic to selectively initiate a blocking signal to disable communications received from the second interface from being sent over the first interface to the end-user computer.

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Cohen to accommodate the blocking logic because (a) Examiner further interprets “issuing a local standby command” as taught by Cohen (Cohen: Column 11 Line 1) as an obvious variation of “initiating a blocking signal” to disable communications received from the second interface from being sent over the first interface to the end-user computer, as addressed above, to meet the claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims, and (b) Cohen teaches release the modem to the free pool when the inactivity is detected at the Ethernet port for TBD minutes (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3) and thereby, the blocking logic, disable communications received from the second interface from being sent over the first interface to the end-user computer would be obvious when the effectiveness of reusing the blocking modem is not the concern – i.e. release the modem to the free pool as taught by Cohen is indeed increasing the overall system resource usage efficiently and meantime block the traffic from WAN to LAN as recited in the claim limitation.

As per claim 2, Cohen as modified teaches the claimed invention as described above (see claim 1). Cohen as modified further teaches the blocking logic sends the blocking signal in response to the detecting logic detecting the user inactivity for a selected period of time (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 3 and 24, Cohen as modified teaches the claimed invention as described above (see claim 2 and 23 respectively). Cohen as modified further teaches the selected period of time is between one and ten minutes (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 4, 16 and 21, Cohen as modified teaches the claimed invention as described above (see claim 2, 10 and 20 respectively). Cohen as modified further teaches the selected period of time is a fixed time period (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 5 and 18, Cohen as modified teaches the claimed invention as described above (see claim 2 and 17 respectively). Cohen as modified further teaches the selected period of time is determined by a user of the end-user computer (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3: Examiner notes TBD minutes as taught by Cohen could be either predetermined or user configurable time period which are two of most common practices well-known in the field).

As per claim 6 and 25, Cohen as modified teaches the claimed invention as described above (see claim 1 and 23 respectively). Cohen as modified further teaches the detection logic and the blocking logic is embedded within an auto-sensing Ethernet port (Cohen: for example, Column 10 Line 65 – 67: Examiner notes “an auto-sensing Ethernet port” is interpreted as an Ethernet port integrated with a CP modem as a

Art Unit: 2131

complete functional entity to automatically facilitate the inactivity detection of the end-user computer (Cohen: Column 10 Line 65 – 67).

As per claim 8, Cohen as modified teaches the claimed invention as described above (see claim 1). Cohen as modified further teaches the distributed computer network is the Internet (Cohen: see for example, Column 1 Line 32 – 40).

As per claim 9, Cohen as modified teaches the claimed invention as described above (see claim 1). Cohen as modified further teaches the second interface is coupled to an internet service provider (Cohen: see for example, Column 1 Line 60 – 63).

As per claim 11, Cohen as modified teaches the claimed invention as described above (see claim 10). Cohen as modified further teaches detecting activity from the end-user computer at the routing equipment (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 14 and 29, Cohen as modified teaches the claimed invention as described above (see claim 10 and 26 respectively). Cohen as modified further teaches the first local data connection is an Ethernet connection (Cohen: see for example, Column 4 Line 58 – 64 and Figure 1 Element 119).



As per claim 17 and 22, Cohen as modified teaches the claimed invention as described above (see claim 10 and 20 respectively). Cohen as modified further teaches the idle time activity threshold is a programmable threshold (Cohen: see for example, See same rationale as addressed above in rejecting the claim 5).

As per claim 20, Cohen as modified teaches the claimed invention as described above (see claim 19). Cohen as modified further teaches during a second period of time after the first period of time, detecting activity at the first port of the digital subscriber line routing equipment indicating activity at the end-user computer and communicating data received at the second port of the digital subscriber line routing equipment to the first port of the digital subscriber line routing equipment and to the end-user computer (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3: This is an obvious inherency feature as taught by Cohen).

As per claim 12 and 13, claim 12 and 13 do not further teach over claim 20. Therefore, see same rationale addressed above in rejecting claim 20.

As per claim 23 and 26, the claim limitations are met as the same reasons set forth in the paragraph above regarding to claim 1 with the exception of the features that selectively disable communications from being sent over the first interface to at least one of the plurality of end-user computers in the local area network while allowing communications to be sent over the first interface to at least one other of the plurality of

Art Unit: 2131

end-user computers in the local area network. However, Cohen further teaches selectively disable communications from being sent over the first interface to at least one of the plurality of end-user computers in the local area network while allowing communications to be sent over the first interface to at least one other of the plurality of end-user computers in the local area network (Cohen: Column 11 Line 50 – 52, Column 11 Line 1 – 3 and Figure 2B Element 220: With respect to a PPP (point-to-point protocol) Ethernet connection as taught by Cohen, a specific CP modem is mapped to a particular MAC address of user end-station (Cohen: Column 11 Line 50 – 52) during a given section of PPP Ethernet (LAN) connection. This particular CP-modem is within one of the twenty-four (in maximum) CP-modems in a free CP-modem pool that is further mapped to a CO (Central Office)-modem on the WAN interface side (Cohen: Figure 2B Element 220). For a particular section of an end-to-end connection between the WAN and LAN interfaces is thus established through a particular CO-modem and a specific CP-modem – this is also well known in the field. Therefore, Examiner interprets “disable communications received from the second interface from being sent over the first interface to the end-user computer” as a result of terminating a section associated with a particular pair of CO-modem and CP-modem connection due to the release of that specific CP-modem to the CP-modems free-pool as taught by Cohen (Cohen: Column 11 Line 1 – 3). Therefore, Cohen teaches allowing communications to be sent over the first interface to at least one other of the plurality of end-user computers in the local area network with different sections of connections with different MAC addresses

Art Unit: 2131

associated with different CP-modems, which is different from that particular CP-modem just being released to the CP-modem free pool).

As per claim 27 and 28, Cohen further teaches detecting resumed activity from at least one of more of the plurality of end-user computers previously in an inactive state (Cohen: Column 9 Line 43 – 48: Examiner notes the resumed activity is considered as when the user returns to actively using the computer and thus sends at least one frame over the Ethernet port in order to re-establish the new connection between another pair of the CO-modem and CP-modem through the WAN-LAN communication interfaces – see also the same reasons set forth in rejecting claim 23 and 26).

3. Claims 7, 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (Patent Number: US 6477595 B1), hereinafter referred to as Cohen, in view of Gerszberg (Patent Number: US 6510152 B1), hereinafter referred to as Gerszberg.

As per claim 7, 15 and 30, Cohen as modified teaches the claimed invention as described above (see claim 1, 10 and 26 respectively). Cohen as modified teaches point to point protocol used. However, Cohen as modified does not disclose expressly the wide area network is a digital subscriber line connection that carries authenticated point to point protocol over Ethernet session traffic.

Gerszberg teaches the wide area network is a digital subscriber line connection that carries authenticated point to point protocol over Ethernet session traffic (Cohen: see for example, Column 21 Line 38 – 42 and Column 19 Line 24 – 29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Gerszberg within the system of Cohen as modified because Gerszberg teaches an improved network such as Ethernet transported over DSL modems by providing higher bandwidth, improving the CPE capabilities and lowering overall system costs to the customer (Gerszberg: see for example, Column 1 Line 27 – 30 and Column 2 Line 40 – 43).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2131

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2131

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